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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,071	04/08/2004	Kiyoshi Aida	450100-03204.1	2069
7590 12/31/2007 FROMMER LAWRENCE & HAUG LLP 745 FIFTH AVENUE NEW YORK, NY 10151			EXAMINER HWANG, JOON H	
			ART UNIT 2166	PAPER NUMBER
			MAIL DATE 12/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

AK

Office Action Summary	Application No. 10/822,071	Applicant(s) AIDA ET AL.	
	Examiner Joon H. Hwang	Art Unit 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The applicants amended claims 20, 24, and 28-31 and added a new claim 32 in the amendment filed on 10/16/07.

The pending claims are 20-32.

Response to Arguments

2. Applicant's arguments with respect to claims 20, 24, and 28 have been considered but are moot in view of the new ground(s) of rejection.

The applicants added in claims 20, 24, and 28 the limitations of "inquiring of a user whether to execute accessing the website...based on a result of the inquiry".

These limitations are addressed in the following rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 32 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The limitation, "...when ***the media*** is found ***in the database...***" is not supported by the specification.

The limitation, "***accessing...the server...when the media is found in the database*** from a search by the key data" is not supported by the specification. Publ. App. par. [0039], located on page 10, 2nd paragraph, of the specification, supports accessing the sever 132 (fig. 9), that is the website in claim 32, when a web page address relating to the media is found in the database. However, "***accessing...the server...when the media is found in the database***" is not supported by the specification.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 20-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yankowski (U.S. Patent No. 5,751,672) in view of Levy et al. (U.S. Patent No. 6,505,160), and further in view of Hunt et al. (U.S. Patent No. 5,893,091).

With respect to claim 20, Yankowski teaches a database (i.e., a local database 36 in fig. 2) having updatable content containing information relating to a media (i.e., downloading contents updates, lines 18-23 in col. 2 and lines 4-13 in col. 9), searchable by key data generated as a function of information stored at a predetermined place of said media (i.e., fingerprint, lines 37-63 in col. 5 and lines 25-44 in col. 6), said content

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including an address of a server relating to the media (i.e., a remote database is accessed via Internet, fig. 2, fig. 7, lines 25-67 in col. 2, line 9 in col. 8 thru line 36 in col. 9, and line 44 in col. 11 thru line 57 in col. 12). Yankowski teaches a database can include more detailed information, such as composer, producer, as well as any other information, which might be of value to a user (lines 35-51 in col. 7). Yankowski teaches the database is maintained by commercial ventures or other sources (lines 4-51 in col. 7). Yankowski teaches means for obtaining from the server, through the Internet, information relating to the media (i.e., obtaining information relating to the media from the remote database, lines 4-51 in col. 7). Yankowski teaches means for updating the content of the database at any time through the Internet (i.e., downloading contents updates, lines 18-23 in col. 2 and lines 4-13 in col. 9). Yankowski teaches a user selects a location of another database (i.e., a user selects a remote database 50 in fig. 2, item 139 in fig. 4A, items 144 and 150 in fig. 4B, and lines 60-65 in col. 8) having said updatable content searchable by said key data, said another database being different from said database included in said information acquiring apparatus (lines 4-16 in col. 7). Yankowski does not explicitly disclose an address of a website relating to the media. However, Levy teaches an address of a website relating to the media, the website address being different than the server address (lines 38-61 in col. 2, lines 40-61 in col. 4, lines 51-61 in col. 5, lines 43-59 in col. 6, and lines 39-63 in col. 7). Levy teaches means for accessing, through the Internet, the website at the address of the website obtained from the server (lines 38-61 in col. 2, lines 40-61 in col. 4, lines 51-61 in col. 5, lines 43-59 in col. 6, and lines 39-63 in col. 7). Levy also teaches means for

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updating the content of the database at any time through the Internet by connecting the database to the address of the website (i.e., pull model updates, lines 23-49 in col. 11). Therefore, based on Yankowski in view of Levy, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Levy to the system of Yankowski in order to provide an additional opportunity to promote services or goods related to the media to a user. Yankowski and Levy do not explicitly disclose means for inquiring of a user whether to execute accessing the website. However, Hunt teaches means for inquiring of a user whether to execute accessing the website and means for accessing, through the Internet, the website at the address of the website obtained based on a result of the inquiry (i.e., alerting a user with an obtained URL of a website and connecting to the obtained URL if the user selects the alert, lines 53-5 in cols. 7-8) in order to allow a user to control accesses to websites. Therefore, based on Yankowski in view of Levy, and further in view of Hunt, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Hunt to the system of Yankowski in order to allow a user to control accesses to websites.

With respect to claim 21, Yankowski teaches means for inquiring a user, before obtaining more detailed information, whether an access to a server is acceptable (lines 26-65 in col. 8).

With respect to claim 22, Yankowski teaches generating the key data (fingerprint) by calculating a portion of index data (TOC) of the media in a predetermined manner

(lines 55-60 in col. 1, lines 34-37 in col. 2, lines 37-63 in col. 5, and lines 25-44 in col. 6).

With respect to claim 23, Levy further teaches the website provides a service so that a user can directly purchase another media or good relating to the media via the website (lines 38-61 in col. 2, lines 40-61 in col. 4, lines 51-61 in col. 5, lines 43-59 in col. 6, and lines 39-63 in col. 7). Therefore, the limitations of claim 23 are rejected in the analysis of claim 20 above, and the claim is rejected on that basis.

Claims 24-27 are essentially the same as claims 20-23 except that it sets forth the claimed invention as a method rather than an apparatus and rejected for the same reasons as applied hereinabove.

Claims 28-31 are essentially the same as claims 20-23 except that it sets forth the claimed invention as a computer readable medium rather than an apparatus and rejected for the same reasons as applied hereinabove.

7. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yankowski (U.S. Patent No. 5,751,672) in view of Levy et al. (U.S. Patent No. 6,505,160), and further in view of Ellard (U.S. Patent No. 5,991,758).

With respect to claim 32, Yankowski teaches providing a database (i.e., a local database 36 in fig. 2) having updatable content containing information relating to a media (i.e., downloading contents updates, lines 18-23 in col. 2 and lines 4-13 in col. 9),

searchable by key data generated as a function of information stored at a predetermined place of said media (i.e., fingerprint, lines 37-63 in col. 5 and lines 25-44 in col. 6), said content including an address of a server relating to the media (i.e., a remote database is accessed via Internet, fig. 2, fig. 7, lines 25-67 in col. 2, line 9 in col. 8 thru line 36 in col. 9, and line 44 in col. 11 thru line 57 in col. 12). Yankowski teaches a database can include more detailed information, such as composer, producer, as well as any other information, which might be of value to a user (lines 35-51 in col. 7). Yankowski teaches the database is maintained by commercial ventures or other sources (lines 4-51 in col. 7). Yankowski teaches reading the key data from the media (i.e., obtaining fingerprint, lines 37-63 in col. 5, lines 25-44 in col. 6, and lines 15-25 in col. 8). Yankowski teaches accessing, through the Internet, the server based on the address stored in said database (i.e., a remote database is accessed via Internet, fig. 2, fig. 7, lines 25-67 in col. 2, line 9 in col. 8 thru line 36 in col. 9, and line 44 in col. 11 thru line 57 in col. 12). Yankowski teaches obtaining from the server, through the Internet, information relating to the media (i.e., obtaining information relating to the media from the remote database, lines 4-51 in col. 7). Yankowski teaches updating the content of the database at any time through the Internet (i.e., downloading contents updates, lines 18-23 in col. 2 and lines 4-13 in col. 9). Yankowski teaches selecting a location of another database (i.e., a user selects a remote database 50 in fig. 2, item 139 in fig. 4A, items 144 and 150 in fig. 4B, and lines 60-65 in col. 8) having said updatable content searchable by said key data, said another database being different from said database (lines 4-16 in col. 7). Yankowski does not explicitly disclose an address of a website

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relating to the media. However, Levy teaches an address of a website relating to the media, the website address being different than the server address (lines 38-61 in col. 2, lines 40-61 in col. 4, lines 51-61 in col. 5, lines 43-59 in col. 6, and lines 39-63 in col. 7). Levy teaches accessing, through the Internet, the website at the address of the website obtained from the server (lines 38-61 in col. 2, lines 40-61 in col. 4, lines 51-61 in col. 5, lines 43-59 in col. 6, and lines 39-63 in col. 7). Levy also teaches updating the content of the database at any time through the Internet by connecting the database to the address of the website (i.e., pull model updates, lines 23-49 in col. 11). Therefore, based on Yankowski in view of Levy, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Levy to the system of Yankowski in order to provide an additional opportunity to promote services or goods related to the media to a user. Yankowski and Levy do not explicitly disclose accessing the server when the media is found in the database from a search by the key data. However, Ellard teaches accessing the server when the media is found in the database from a search by the key data (i.e., a database having sufficient data to identify a data record is queried, so that the entire complete data record from an information source can be retrieved, lines 7-14 in col. 5 and lines 17-21 in col. 10) in order to retrieve complete data from a source. Therefore, based on Yankowski in view of Levy, and further in view of Ellard, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Ellard to the system of Yankowski in order to retrieve complete data from a source.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

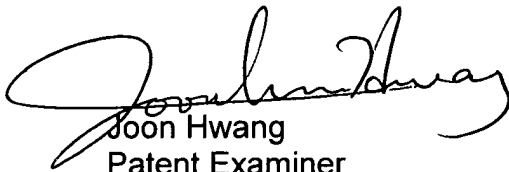
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joon H. Hwang whose telephone number is 571-272-4036. The examiner can normally be reached on 9:30-6:00(M~F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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Patent Examiner
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12/21/2007